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SUBJECT: CROATIA: UPDATE ON CHILD LABOR

REF: STATE 163453

SUMMARY AND COMMENT

11. This cable responds to reftel questions on Croatia's efforts to prevent the worst forms of child labor.

12. Croatia has taken solid steps to counter the worst forms of child labor, enacting legislation proscribing the problem and ensuring the implementation and enforcement of existing legislation. Recent changes to the criminal code have criminalized trafficking in children for purposes of sexual exploitation and labor. A national Ombudsman for Children coordinates GoC efforts to prevent the exploitation of children and to assist in removing children from exploitative situations. We find plans to introduce trafficking awareness education an encouraging and necessary step towards preventing child trafficking from or through Croatian territory. END SUMMARY AND COMMENT

LEGISLATION

13. Does Croatia have adequate laws and regulations proscribing the worst forms of child labor?

The Croatian Parliament adopted ILO Convention 182 on the worst forms of child labor on July 17, 2001. The Convention entered into force on July 17, 2002.

While Croatia has no single law on child labor, a number of labor and social protection laws have been promulgated. The Labor Law establishes a minimum age for legal employment of 15. Children between the ages of 15 and 18 may work only with written permission from a legal guardian. An Occupational Safety Act prohibits children under the age of 18 from working overtime, at night, or in dangerous work conditions or with dangerous substances. The Family Act establishes social protection procedures to assist exploited or vulnerable children while a criminal investigation against their abuser is pending. The Law on the Ombudsman for Children establishes a state office to promote and protect the interests of children throughout the country. The Defense Act prohibits children under 18 from serving in the armed forces. The Elementary Education Act mandates eight years of primary education for all school children (ages 7-15). The minimum working age of 15 is consistent with these education requirements.

Croatia currently has no law expressly defining the term "the worst forms of child labor," though the Croatian criminal code effectively fulfills this requirement. The code specifically mentions kidnapping, use of children in narcotics trafficking, slavery, international prostitution, procurement of children for sexual abuse, use of children in pornographic production, and abuse or neglect related to labor. Changes to the criminal code in May 2004 add a Cyber Convention, criminalizing the act of allowing children access to pornographic material on computer networks. The Occupational Safety Act limits workers between 15 and 18 from working in dangerous or harmful work conditions or with chemical or radioactive materials.

14. Does Croatia have adequate laws and regulations for the implementation and enforcement of proscriptions against the worst forms of child labor? Have there been any recent governmental or judicial initiatives to strengthen or enforce child labor legislation and regulation?

Six state bodies share authority for implementing and enforcing child labor laws in Croatia.

(a) The Ministry of Justice is responsible for maintaining the criminal code and bringing criminal charges defined by the legislation above. (In 2003, the Ministry of Justice recorded 0 criminal charges for international prostitution, 6 for procurement or pimping of children, 37 for exploitation of children for use in pornography, and 19 for allowing children access to pornography.)

(b) The Ministry of the Family, Veterans, and

Intergenerational Solidarity oversees Centers for Social Work and coordinates social services available to a child while a criminal investigation into abuse is pending.

(c) The Ministry of Health and Social Welfare assists the Ministry of the Family and Center for Social Work in providing protective services (including protective custody arrangements) during an abuse investigation.

(d) The Ministry of Economy, Labor, and Entrepreneurship is responsible for investigating abuses of Croatian labor laws and monitoring work environment safety.

(e) The State Inspectorate is responsible for tracking legal violations of employment statutes independently of criminal proceedings.

(f) The Ombudsman for Children is responsible for coordinating GoC efforts to protect and promote the rights of children. The Ombudsman receives and responds to abuse allegations from both victims and the general public. While the Ombudsman has no legal authority to impose penalties, the Ombudsman works closely with police and the district attorney's office to follow-up on abuse allegations.

In July 2004, the Croatian Parliament passed changes to the criminal code introducing Trafficking in Persons as a separate criminal act. The law, set to enter into force on October 1, 2004, contains wording specifically related to children and foresees a minimum prison sentence of five years for violations. Under the new code, "whoever, in violation of the rules of international law, buys, sells, hands over to another person or mediates in the purchase, sale or handing over of a child or a minor for the purposes of slavery or a similar relationship, sexual abuse, prostitution, illicit transplantation of organs, exploitation of labor by minors, or for other illicit purposes shall be punished by imprisonment for not less than five years."

From 2002-3, the Ministry of Justice catalogued 117 cases involving labor by children under 15. The children, 65% female, were employed in the hospitality, retail, industrial, and construction sectors. During the same period, the Ministry catalogued 5 cases of illegal dangerous work performed by children between 15 and 18 years old. Four cases involved children working at night in a bakery while the fifth involved a child working in forestry involving dangerous work conditions.

The June 2003 Law on the Ombudsman for Children established a national office responsible for coordinating, promoting, and protecting the rights of children in line with legal demands found in the Croatian Constitution, the UN Convention of Rights of the Child, and other international obligations. Conceived to ensure that children have access to effective protection mechanisms in case of a violation of their rights, the independent Ombudsman's office coordinates and responds to all children's rights violations -- including child labor complaints under ILO Convention 182.

The Ombudsman's office has legal competence to monitor the coordination of all laws concerned with the protection and interests of children, Croatian compliance with international obligations concerning children's rights, and implementation of all protective mechanisms. Moreover, the office tracks violations and informs the public about children's rights violations. The law compels state, regional, and local governments to cooperate with the Ombudsman's office and respond to any warnings, proposals, or recommendations within 15 days.

#### INVESTIGATIONS OF CHILD LABOR COMPLAINTS -----

The Ombudsman has authority to enter premises for the purpose of evaluating care of children in temporary or foster care. Upon discovery of abuse, sexual mistreatment, or exploitation, the Ombudsman reports the incident to the General Attorney Office for investigation and prosecution.

Ombudsman for Children Ljubica Matijevic-Vrsaljko informed us that since the office began functioning 9 months ago, it has received two complaints. In response to a letter alleging that clothing company United Colors of Benetton d.o.o. had produced an advertisement featuring a 14-year old girl, the Deputy Ombudsman traveled to the site of the advertisement, photographed the billboard for documentation purposes, and formally requested the company provide information about the girl featured in the ad. (The Ombudsman has broad powers to compel companies to comply with requests for information.) Benetton responded that the ad was not produced within Croatia but imported from Italy. The Ombudsman submitted a request for information to Benetton headquarters in Milan in July and is currently awaiting a reply. Should the Ombudsman receive confirmation that the child is under-age, the law compels the Ombudsman to inform the police and district

attorney for a full investigation. (According to Ms. Matijevic-Vrsaljko, her role is "not judge but truth-teller.")

The second case involves a 17-year old boy who claims a man stopped him on the street in Zagreb, complimented his appearance, and offered him substantial sums of money to appear in films. The Ombudsman has referred this case to the Zagreb police, who have since interviewed the boy and are currently investigating.

With regard to funding, the Office of the Ombudsman for Children employs a full-time Ombudsman and two deputies all appointed to eight-year renewable terms. The Ombudsman has an annual operating budget of 3 million kuna (\$500,000) and plans to hire 12 support staff this fall. According to State Secretary for Labor Vera Babic, the State Inspectorate has

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responsibility for inspecting worksites and enforcing labor protection legislation. The Inspectorate employs 84 inspectors for investigating labor relations issues and 90 for investigators labor safety and protection issues. Though these inspectors are not specifically tasked with child labor investigations, they help to establish national priorities for worker protection. The Ministry of Economy, Labor, and Entrepreneurship was unable to provide data on specific child labor inspections.

The Ministry of the Interior provides training to government officials on legislation criminalizing various forms of child abuse -- including child trafficking, sexual abuse, and labor exploitation. The police academy offers a seminar for new recruits addressing domestic violence involving children, educating police officers about the possibility of child abuse within a family and instructing them on how to respond to domestic violence calls.

#### SOCIAL PROTECTION AND EDUCATION

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15. Have social programs been implemented to prevent the engagement of children in the worst forms of child labor and to assist in removing children engaged in the worst forms of child labor?

In line with its involvement in the UN Convention of the Rights of the Child and European trends towards establishing an Ombudsman for Children, Croatia established an Ombudsman for Children in 2003. The Ombudsman and two deputies have authority to advocate on behalf of children involved in exploitative employment situations and on behalf of children victims of trafficking independent of any political office or party. The 2003 law empowers the Ombudsman office to propose legislation to the national, county, and municipal governments to strengthen victim assistance on behalf of children.

The Ombudsman expressed grave concern about newspaper ads that seek to recruit teenage girls for escort services or modeling agencies, noting that Croatian girls were uneducated about this "open invitation to trafficking." The Ombudsman is working with the Ministry of Science and Education to introduce mandatory education and awareness-raising about the possibility of child trafficking -- she expects all Croatian school children will be required to watch the educational film "Lilya Forever" (about a child trafficking victim).

Recognizing that criminal investigations often overlook the needs of the child, a Center for Social Welfare (CSW) within the Ministry of the Family is responsible for insuring a child's protection while police investigate an abuse violation and the district attorney's office prosecutes the abuser. A network of 112 CSWs throughout Croatia -- include 1 central office and 13 branch offices for Zagreb -- have broad powers to inspect foster or temporary care facilities and even to terminate parental rights during an abuse case if the parents are a threat to the child's welfare. New legal procedures to enter into force on January 1, 2006 will give parents the power to appeal CSW decisions through normal legal channels. While she lauded the CSW's focus on the child, Matijevic-Vrsaljko expressed concern that the Centers for Social Welfare do not institutionally coordinate their activities with either the police or the district attorney.

In July 2003, the former Ministry of Labor and Social Welfare through its National Committee on Children established a safe shelter in a GoC-owned facility. The shelter, upgraded with the help of International Organization for Migration funding, will provide temporary safe haven to exploitation victims as of August 2004.

Croatians enjoy ready and widespread access to primary education. Under Croatian law children must complete eight years of compulsory education after the age of six. In

practice, this means compulsory education is generally

completed by the age of 15, though the overwhelming majority of Croatian students remain in school until age 18.

The Croatian Constitution, the 2002 Constitutional Law on the Rights of National Minorities, and the 2003 Law on Education in the Languages of National Minorities work to extend access to primary schooling to Croatia's minority communities. The 2003 National Program for Roma (NPR) specifically addresses the issue of primary schooling for Roma children in Croatia (the GoC estimates 1500 Roma children attended primary school in 2002). The NPR notes that the primary obstacles to Roma access to primary schooling is weak command of the Croatian language; accordingly, the NPR commits the GoC financially to provide additional teachers and pre-school instruction in Croatian language for Roma children valued at approximately \$65/child per year.

#### A COMPREHENSIVE POLICY ON CHILD LABOR

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16. Does Croatia have a comprehensive policy aimed at the elimination of the worst forms of child labor?

Croatia introduced a National Program of Action for Children in 1999, including programs to promote economic development, health, nutrition, access to safe drinking water, poverty relief, education support, and assistance for children victims of war. The Program establishes education targets of 60% of Croatian children in pre-elementary education and 100% in compulsory elementary education. According to State Secretary for Labor Vera Babic (who sat on the drafting

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commission), this target has been met.

In June 2004, Croatia established a working group on child trafficking, chaired by a representative of the National Human Rights Office and consisting of the Ombudsman for Children and representatives of the Ministries of Interior, Family, Science and Education, Health and Social Welfare, and the District Attorney's Office. In coordination with UNICEF, this working group is in the process of drafting a national plan for combating child trafficking but has no immediate plans to release any public documents.

A National Program of Action for Youth passed in November 2002 aims at establishing a long-term strategy for the social integration and empowerment of young people between the ages of 15 and 29; the National Program concerns youth job creation but does not address the labor exploitation of children younger than 15 years.

Croatia has not, however, issued a public statement on eliminating the worst forms of child labor.

17. For more information, the point of contact for this report, Economic Officer Joshua Harris, can be reached either by telephone at 011-385-1-661-2378 or email at harrisjm@state.gov.  
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